



## Senate

General Assembly

**File No. 18**

February Session, 2016

Substitute Senate Bill No. 186

*Senate, March 9, 2016*

The Committee on Children reported through SEN. BARTOLOMEO of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING CHILD PROTECTIVE SERVICES WORKERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2016*) (a) For the purposes of  
2       this section, "child protective services worker" means a social worker,  
3       supervisor, manager, case worker, case aide or investigator employed  
4       by the Department of Children and Families, or a provider under  
5       contract with the department, who provides social work, case work or  
6       investigative services.

7       (b) A person is guilty of threatening a child protective services  
8       worker when (1) such person knowingly delivers or conveys, directly  
9       or indirectly, to a child protective services worker, a communication  
10      that contains a threat that places or attempts to place the child  
11      protective services worker in fear (A) of imminent or future serious  
12      physical injury, sexual assault, confinement or restraint, or (B) that  
13      injury will occur to property in the custody, care or control of the child  
14      protective services worker, and (2) such person delivers or conveys the

15 communication to the child protective services worker because such  
16 person (A) believes that the child protective services worker  
17 inadequately performed a function of his or her job, or (B) is hostile  
18 toward child protective services workers.

19 (c) The provisions of this section shall not apply to children in the  
20 custody of the Department of Children and Families.

21 (d) Threatening a child protective services worker is a class C  
22 felony.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2016</i>	New section
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**KID**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Revenue Gain	Less than 10,000	Less than 10,000

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill creates a new crime of threatening a child protective services worker. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

It is anticipated that this new crime will result in less than 10 convictions and incarcerations annually. This estimate is based on the convictions and incarcerations of two similar crimes: first degree threatening (a class D felony) and assault of a public safety officer (a class C felony). Currently there are four people incarcerated for first degree threatening and 98 people incarcerated for assault of a public safety officer. In FY 15, there were 119 charges for first degree threatening but no convictions and 1,057 charges of assault of a public safety officer with seven convictions. Therefore it is estimated that this new charge of threatening a child protective services worker will result in less than 10 convictions annually.

The bill is anticipated to result in a minimal revenue gain from criminal fines of less than \$10,000 annually. While similar crimes result in a relatively high number of charges (see above), only one charge resulted in fine revenue of \$2,500 in FY 15.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *Department of Correction Summary of Offenders by Controlling Offense, as of 2/21/2016*  
*Judicial Department Offenses and Revenue Database*

**OLR Bill Analysis****sSB 186****AN ACT CONCERNING CHILD PROTECTIVE SERVICES WORKERS.****SUMMARY:**

This bill creates a new crime of threatening a child protective services worker (e.g., a social worker, supervisor, manager, case worker, case aide, or investigator) employed by and providing social work, case work, or investigative services for either the Department of Children and Families (DCF) or a provider agency under contract with DCF.

It makes the crime a class C felony, punishable by between one and 10 years in prison, a fine of up to \$10,000, or both. But the bill's provisions do not apply to a child in DCF custody (i.e., such a child cannot be charged with this crime).

Under the bill, a person is guilty of threatening a child protective services worker when he or she knowingly delivers or conveys, directly or indirectly, to the worker a communication containing a threat that places or attempts to place the worker in fear (1) of imminent or future serious physical injury, sexual assault, confinement, or restraint or (2) that injury will occur to property in the worker's custody, care, or control.

To be guilty of this crime, the person making the communication must have done so because he or she (1) believed that the worker inadequately performed his or her job or (2) is hostile to child protective service workers.

Under existing law, some conduct similar to that proscribed by the bill is punished as a class D felony or class A misdemeanor (see

BACKGROUND).

EFFECTIVE DATE: October 1, 2016

## **BACKGROUND**

### ***1<sup>st</sup> Degree Threatening***

A person commits 1<sup>st</sup> degree threatening when, among other things, he or she (1) threatens to commit a crime involving the use of a hazardous substance with the intent to terrorize another person, or threatens to commit such a crime in reckless disregard of the risk of causing such terror, or (2) commits 2<sup>nd</sup> degree threatening, and in committing such offense uses, is armed with and threatens the use of, or displays or represents by his words or conduct that he possesses a pistol, revolver, shotgun, rifle, machine gun, or other firearm. First degree threatening is a class D felony punishable by up to five years in prison, up to a \$5,000 fine, or both (CGS § 53a-61aa).

### ***2<sup>nd</sup> Degree Threatening***

By law, a person commits 2<sup>nd</sup> degree threatening if he or she (1) by physical threat, intentionally places or attempts to place another person in fear of imminent serious physical injury or (2) threatens to commit violence, either with the intent of terrorizing another person, or in reckless disregard of the risk of causing such terror. This crime is a class A misdemeanor punishable by up to one year in prison, up to a \$2,000 fine, or both (CGS § 53a-62).

### ***Serious Physical Injury***

By law, serious physical injury is one that creates a substantial risk of death or causes serious (1) disfigurement, (2) impairment of health, or (3) loss or impairment of the function of any bodily organ (CGS § 53a-3).

## **COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 11 Nay 0 (02/25/2016)